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11 Attorneys for Plaintiff
12 United States of America
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15 IN THE UNITED STATES DISTRICT COURT
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17 EASTERN DISTRICT OF CALIFORNIA

18 UNITED STATES OF AMERICA,
19 Plaintiff,
20 v.
21 JOSE MANUEL CHAVEZ ZEPEDA, and
22 DENIS ZACARIAS PONCE CASTILLO
23 Defendants.
24

25 CASE NO. 2:22-cr-00064-JAM

26 **STIPULATION REGARDING EXCLUDABLE
27 TIME PERIODS UNDER SPEEDY TRIAL ACT;
28 ORDER**

29 DATE: May 16, 2023
30 TIME: 9:30 a.m.
31 COURT: Hon. John A. Mendez

32 **STIPULATION**

33 1. By previous order, this matter was set for status on May 16, 2023.
34 2. By this stipulation, defendants now move to continue the status conference until **July 25,**
35 **2023, at 09:00 a.m.**, and to exclude time between May 16, 2023, and July 25, 2023, under Local Code
36 T4.
37 3. The parties agree and stipulate, and request that the Court find the following:
38 a) The government has represented that the discovery associated with this case
39 includes more than 5,300 pages of investigative reports, photographs, phone toll records, and
40 other materials, as well as video and audio recordings. All of this discovery has been either
41 produced directly to counsel and/or made available for inspection and copying.
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b) Counsel for defendants desire additional time to review the discovery, to review the charges and potential responses to the charges with their clients, to conduct factual investigation and legal research, and to otherwise prepare for trial.

c) Counsel for defendants believe that failure to grant the above-requested continuance would deny them the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

d) The government does not object to the continuance.

e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of May 16, 2023 to July 25, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: May 9, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ DAVID W. SPENCER

DAVID W. SPENCER

Assistant United States Attorney

1 Dated: May 9, 2023

/s/ Clemente Jimenez

2 Clemente Jimenez
3 Counsel for Defendant
4 JOSE MANUEL CHAVEZ ZEPEDA

5 Dated: May 9, 2023

/s/ Etan Zaitsu

6 Etan Zaitsu
7 Counsel for Defendant
8 DENIS ZACARIAS PONCE
9 CASTILLO

10 **ORDER**

11 IT IS SO FOUND AND ORDERED.

12 Dated: May 10, 2023

/s/ John A. Mendez

13 THE HONORABLE JOHN A. MENDEZ
14 SENIOR UNITED STATES DISTRICT JUDGE